

REMARKS

Claims 1-20 are pending in the application. Claims 1-14, 16, and 18-20 have been rejected under 35 U.S.C. § 103(a) in the Office Action mailed September 3, 2004. Claims 15 and 17 have been objected to as being dependent upon a rejected base claim, but are indicated as having allowable material. Applicant thanks the Examiner for his indication. Claims 1, 18, and 20 have been amended.

Rejection under 35 U.S.C. § 103(a)

Claims 1-14, 16, and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Moore* (U.S. Patent No. 6,456,729) in view of *Rhoads* (U.S. Patent No. 6,580,819).

To establish a prima facie case of obviousness, three basic criteria must be met, see M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the second criteria, Applicant respectfully asserts that the rejection does not satisfy the first and third criteria.

Not All Limitations

Regarding the 35 U.S.C. § 103(a) rejection of claim 1, Applicant renews the arguments made in the June 11, 2004, Response to Office Action that *Moore* and *Rhoads* do not teach or suggest all element of claim 1, and that claim 1 is patentable over the 35 U.S.C. § 103(a) rejection of record. Applicant respectfully traverses the Examiner's characterization of Applicant's argument as "in essence that [the] combination of *Moore* and *Rhoads* does not teach or suggest claimed limitation "create a second data from a first data"". *See* Office Action, paragraph 3.

Amended claim 1 is directed to a method comprising "creating from an object a first data set having data in a first data arrangement". *Moore* does not teach this limitation. As

discussed in *Moore*, col. 11, lines 4-41, a marking system is shown that “establishes an appropriate identifying message using clear text” and “converts the clear text message into an ID matrix symbol” which is then downloaded to a marker. *Moore*, col. 11, lines 8-11. *Moore* does not disclose the limitation of amended claim 1. *Rhoads* is not relied upon as teaching this limitation. Thus, the references do not teach the claimed limitation. Applicant respectfully requests that the Examiner withdraw the rejection of record and pass claim 1 to allowance.

Amended claim 1 also is directed to a method comprising “determining whether data on an object presented for validation is consistent with the data of the first or second data arrangement for said first data set by comparing said object presented for validation to both said first and said second data arrangements.” The Examiner states that *Moore* teaches a host computer that establishes “an appropriate identifying message using clear text (first data), and host computer interfaces with an encryption unit, which converts the clear text message into an ID matrix symbol (second data).” Office Action, paragraph 5. *Moore* appears to teach capturing an illuminated symbol on a camera, col. 11, lines 34-35, and transmitting the symbol to a host computer for conversion to clear text. Col. 11, lines 43-45. *Moore* does not appear to teach comparing said object presented for validation to said first and said second data arrangements. Applicant respectfully asserts that the *Moore* reference does not teach or suggest the claimed limitation. *Rhodes* is not relied upon as teaching or suggesting this limitation. Because the references do not teach or suggest all limitations of claim 1, claim 1 is patentable over *Moore* in view of *Rhodes*. Applicant respectfully requests that the rejection of record be withdrawn and claim 1 passed to allowance.

Regarding claim 18, Applicant renews the arguments made in the June 11, 2004 Response to Office Action that *Moore* and *Rhoads* do not teach or suggest all element of claim 18, and that claim 18 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Amended claim 18 is directed to a method comprising a first data set having data in a first data arrangement created from an object, the data within said first data set being modifiable to create a second data arrangement for said first data set. *Moore* does not appear to teach this limitation. As discussed in *Moore*, col. 11, lines 4-41, a marking system is

shown that “establishes an appropriate identifying message using clear text” and “converts the clear text message into an ID matrix symbol” which is then downloaded to a marker. *Moore*, col. 11, lines 8-11. *Moore* does not disclose the limitation of amended claim 18. *Rhoads* is not relied upon as teaching this limitation. Thus, the references do not teach the claimed limitation. Applicant respectfully requests that the Examiner withdraw the rejection of record and pass claim 18 to allowance.

Amended claim 18 is also directed to a data processing system operatively associated with said data reading apparatus, the data processing system receiving the data on said object from said data reading apparatus, the data processing system determining whether the data on said object is consistent with the data of the first and second data arrangements for said first data set, said object being accepted if said data processing system determines that the data on said object is consistent with the data of the first and second data arrangement for said first data set, said object being rejected if said data processing system does not determine that the data on said object is consistent with the data of the first and second data arrangement for said first data set. The Examiner states that *Moore* teaches a host computer that establishes “an appropriate identifying message using clear text (first data), and host computer interfaces with an encryption unit, which converts the clear text message into an ID matrix symbol (second data).” Office Action, paragraph 5. *Moore* appears to teach capturing an illuminated symbol on a camera, col. 11, lines 34-35, and transmitting the symbol to a host computer for conversion to clear text. Col. 11, lines 43-45. *Moore* does not appear to teach determining whether the data on said object is consistent with the data of the first and second data arrangements for said first data set. Nor does *Moore* appear to teach said object being accepted if said data processing system determines that the data on said object is consistent with the data of the first and second data arrangement for said first data set. Applicant respectfully asserts that the *Moore* reference does not teach or suggest the claimed limitations. *Rhodes* is not relied upon as teaching or suggesting these limitations. Because the references do not teach or suggest all limitations of claim 18, claim 18 is patentable over *Moore* in view of *Rhodes*. Applicant respectfully requests that the rejection of record be withdrawn and claim 18 passed to allowance.

Regarding claim 20, Applicant renews the arguments made in the June 11, 2004 Response to Office Action that *Moore* and *Rhoads* do not teach or suggest all element of claim 20, and that claim 20 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Amended claim 20 is directed to a method comprising determining whether data on an object is consistent with the data of the first and second data arrangement, and for accepting said object if the data on said object is determined to be consistent with the data of the first and second data arrangement, else of rejecting said object. The Examiner states that *Moore* teaches a host computer that establishes “an appropriate identifying message using clear text (first data), and host computer interfaces with an encryption unit, which converts the clear text message into an ID matrix symbol (second data).” Office Action, paragraph 5. *Moore* appears to teach capturing an illuminated symbol on a camera, col. 11, lines 34-35, and transmitting the symbol to a host computer for conversion to clear text. Col. 11, lines 43-45. *Moore* does not appear to teach determining whether data on an object is consistent with the data of the first and second data arrangement. Nor does *Moore* appear to teach accepting said object if the data on said object is determined to be consistent with the data of the first and second data arrangement. Applicant respectfully asserts that the *Moore* reference does not teach or suggest the claimed limitations. *Rhodes* is not relied upon as teaching or suggesting these limitations. Because the references do not teach or suggest all limitations of claim 20, claim 20 is patentable over *Moore* in view of *Rhodes*. Applicant respectfully requests that the rejection of record be withdrawn and claim 20 passed to allowance.

Claims 2-14, 16, and 19 depend from base claims 1 and 18, respectively, and thus inherit all limitations of their respective base claims. Each of claims 2-14, 16, and 19 sets forth features and limitations not recited by the combination of *Moore* and *Rhoads*. Thus, the Applicant respectfully asserts that for the above reasons claims 2-14, 16, and 19 are patentable over the 35 U.S.C. § 103(a) of record.

No Motivation

Applicant respectfully traverses the Examiner’s assertion that one of ordinary skill in the art would have modified the method of *Moore* according to the teaching of *Rhoads*. See Office Action, paragraph 3. Applicant renews the arguments made in the June 11, 2004

Response to Office Action that no valid suggestion has been made as to why a combination of *Moore* and *Rhoads* is desirable. Therefore, the rejection of claims 1-14, 16, and 18-20 should be withdrawn and these claims passed to allowance.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10004878-1, from which the undersigned is authorized to draw.

Dated: November 3, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482734094US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 3, 2004

Signature: 
Mark E. Flanigan

Respectfully submitted,

By _____
Michael A. Papalas
Registration No.: 40,381
Attorney for Applicant

(214) 855-8186